

ORS
JUN 15 2016

FILED - GR
July 5, 2016 10:09 AM
CLERK OF COURT
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY: ns SCANNED BY: 7/5/16 DW

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:15CR183-01

v.

Hon. Janet T. Neff
United States District Judge

MICHAEL AHO KENNEDY,

Defendant,

and

MICHIGAN PUBLIC SCHOOL
EMPLOYEES RETIREMENT SYSTEM,
OFFICES OF RETIREMENT SERVICES,

Garnishee.

ANSWER OF THE GARNISHEE

Amy Wheeler
(Affiant)

, BEING DULY SWORN DEPOSES AND SAY:

IF GARNISHEE IS AN INDIVIDUAL:

That he/she is Garnishee herein doing business in the name of

(State full name and address of business)

IF GARNISHEE IS A PARTNERSHIP:

That he/she is a member of _____, a partnership,

of which Garnishee is a partner.

IF GARNISHEE IS A ~~CORPORATION~~ PENSION SYSTEM

That he/she is the (State Official Title) EMPLOYEE of Garnishee,

STATE of Michigan Office of Retirement Services a Pension system corporation, organized under the law of the State of Michigan

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On June 15, 2016, Garnishee was served with the Writ of Continuing Garnishment.

For the pay period in effect on the date of service (shown above):

Yes No

X 1. Defendant was in my/our employ.

X 2. Pay period is _____ weekly, _____ bi-weekly
_____ semi-monthly, X monthly.

MONTHLY PENSION

Enter date present pay period began. July 25, 2014 (Present means the pay period in which this order and notice of garnishment were served)

X 3. Wage garnishment is limited to twenty-five percent (25%) of disposable Earnings, subject to Section 303 of the Consumer Protection Act. 28 U.S.C. § 3002(9) and 15 U.S.C. § 1673. "Disposable earnings" means that part of earnings remaining after all deductions required by law have been withheld. 28 U.S.C. §3002(5). The "non-exempt disposable earnings" subject to this writ of garnishment are set forth on the attached

X 4. Have there been previous garnishments?

If the answer is yes, describe below.

State of Michigan Circuit Court for the 5th Judicial Circuit
ORDER TO SHOW CAUSE AND
EX PARTE ORDER APPOINTING RECEIVER
AND FREEZING ASSETS.

Court ORDER NO. 16-105277-CZ

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____ 5. The Garnishee has custody, control or possession of the following property (non-earnings), in which the Defendant maintains an interest, as described below:

	Description of Property	Approximate Value	Description of Defendant's Interest In Property
1.	<u>Ø</u>	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____

Garnishee anticipated owing to the judgment-debtor in the future, the following amounts:

	Amount	Estimated date or Period Due
1.	\$ <u>Ø</u>	_____
2.	\$ _____	_____
3.	\$ _____	_____
4.	\$ _____	_____

(Check the applicable line below if you deny that you hold property subject to this order of garnishment.)

____ [The Garnishee makes the following claim of exemption on the part of the Defendant:]

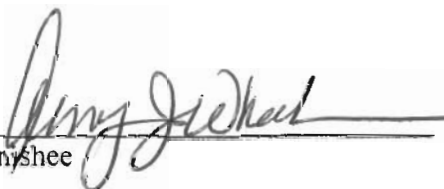
____ [Or has the following objections, defenses, or set-offs to Plaintiff's right to apply Garnishee's indebtedness to Defendant upon Plaintiff's claim:]

____ [The Garnishee was then in no manner and upon no account indebted or under liability to the Defendant, Michael Aho Kennedy and that the Garnishee did not have in


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his possession or control any property belonging to the Defendant, or in which the Garnishee has an interest; and is in no manner liable as Garnishee in this action.]

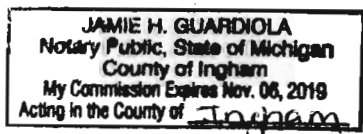
The Garnishee mailed a copy of this answer by first-class mail to (1) the defendant, judgment-debtor, Michael Aho Kennedy and (2) the attorney for the United States, Jennifer S. Murnahan, Assistant United States Attorney, P. O. Box 208, Grand Rapids, MI 49501-0208.


Garnishee

Subscribed and sworn to before me this
30 day of June 2016


Notary Public
(Seal)

My Commission expires: 11-06-2019



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CALCULATION SHEET FOR DISPOSABLE EARNINGS

1. The defendant/debtor's gross earnings for the present pay period: \$ 1,923.15 Gross Pension MONTHLY.
2. Deductions required by law to be withheld from gross earnings on line 1:
- a. Federal withholding tax (for income taxes) \$ 171.05
- b. State withholding tax (for income taxes) \$ 67.57
- c. Employee portion of social security tax \$ _____
- d. City withholding tax (for income taxes) \$ _____
- e. Public employee retirement when required by law \$ _____
- f. Total (add lines 2a through 2e) \$ 238.62
3. Disposable earnings (subtract line 2f from line 1). \$ 1,684.53
4. Test I for amount available for garnishment (25% of line 3). \$ 1,263.39
5. Test II for amount available for garnishment \$ _____
- a. Federal minimum wage in effect for the present pay period (from Chart A below) \$ 7.25
- b. Multiple for the entire pay period (from Chart B below) \$ 130
- c. Line 5a multiplied by line 5b \$ 942.50
- d. Subtract line 5c from line 3 \$ 742.03
6. Amount available for garnishment (line 4 or 5d, whichever is less) \$ 742.03
7. Amounts withheld from gross earnings shown on line 1 pursuant to orders with priority
- a. Order for the support of any person(s) \$ NA
- b. Orders of U.S. Bankruptcy Court under Chapter XIII \$ NA
- c. Order for past due federal or state tax \$ NA
- d. Other general garnishments served prior to this writ \$ PENSION IS FROZEN

PER:

State of Michigan, Circuit Court for the 57th Judicial Circuit
ORDER TO SHOW CAUSE AND EX PARTE ORDER

APPOINTING RECEIVER AND FREEZING ASSETS.

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- e. Total (add lines 7a through 7d) \$ Pension Is FROZEN
8. Amount available for garnishment under this writ (subtract line 7e from line 6) \$ 742.03
9. AMOUNT TO BE WITHHELD IN RESPONSE TO THIS WRIT (line 8 above or amount stated on the affidavit for writ of Garnishment, (whichever is less) \$ 742.03
10. WITHHOLD amount shown on line 9 until entry of GARNISHEE ORDER directing payment to the United States.
11. DO NOT WITHHOLD, pursuant to this continuing writ any other Earnings of the defendant/debtor.

Chart A*

Effective Date	Minimum Wage
07/24/2009	\$7.25

Chart B**

Length of entire pay period	Multiple
Weekly (or more frequently)	30
Bi-Weekly	60
Semi-Monthly	65
Monthly	130

*Any changes in the federal minimum wage specified in sec. 6(a)(1) of the Fair Labor Standards Act of 1938 b amendment after 11/1/77 must be used as if listed in Chart A.

**For a pay period length not shown in Chart B, increase the multiple for a weekly pay period using the assumption that a month contains 4 1/3 weeks.